

MICHIGAN SUPREME COURT



Office of Public Information

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FOR IMMEDIATE RELEASE

STANDARDS FOR ASSIGNED CRIMINAL COUNSEL ON AGENDA FOR SUPREME COURT'S SEPTEMBER 15 PUBLIC HEARING IN SAGINAW

LANSING, MI, September 7, 2004 – The Michigan Supreme Court, which usually presides in Lansing, will go on the road on September 15 to hold a public hearing in Saginaw. The hearing, which will begin at 9:30 a.m. and end by 11:30 a.m., will be held on the second floor of the Saginaw County Building at 111 S. Michigan.

Chief Justice Maura D. Corrigan said that, while the Court usually hears oral arguments and holds public hearings in the Michigan Hall of Justice in Lansing, the Justices do sometimes schedule hearings at locations outside of Lansing. "Many people might like to attend the Court's hearings, but don't do so because they live outside the Lansing area," Corrigan said. "This Court serves the entire state of Michigan. We hope that, by going to other locations, we offer Michigan citizens in those communities a more convenient way to attend the Court's hearings."

Corrigan added that the Court regularly holds public hearings on a variety of administrative matters, in addition to oral argument hearings, which are also open to the public.

On the Court's agenda is a set of proposed "Minimum Standards for Indigent Criminal Appellate Defense Services" (**file no. 2000-32**). The proposed standards would apply where criminal defendants who cannot afford to hire an attorney are assigned a lawyer to pursue an appeal. The standards were submitted by the state's Appellate Defender Commission, which is required by state statute to develop minimum standards.

If adopted, the standards would permit defense attorneys to consult with their clients by video "or by such other reasonable means as counsel deems sufficient, in light of all the circumstances." Current standards require defense counsel to meet with their clients in person. Another proposed change would allow defense attorneys to dismiss an appeal with the defendant's "informed consent"; currently, defense counsel are required to get their clients' consent in writing.

The standards would also require a criminal defendant who wishes to supplement the appointed attorney's brief to file a supplemental brief within 84 days from the date the attorney files a brief. The standards currently do not impose a deadline for such supplemental briefs. Another suggested standard would require defense attorneys to order the complete trial court transcript, unless the parties stipulate to order less than the full transcript. Defense counsel may also request that the court allow them to order less than the full transcript.

The Court invites members of the public to appear and share their views on agenda items. Speakers will have three minutes each to present their views; Supreme Court Justices may ask questions of the speakers. Anyone wishing to speak at the hearing should contact the Clerk of the Court at P.O. Box 30052, Lansing, Michigan 48909 or at MSC_clerk@courts.mi.gov, no later than Monday, September 13. The full hearing agenda may be viewed at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/PublicHearings/091504-Saginaw.pdf>.

The Court will also hear comments on a set of rule changes proposed by a Michigan Court of Appeals work group (**file nos. 2002-34, 2002-44**). If adopted, the new rules would establish a special expedited track for appeals from orders granting or denying summary disposition. Such appeals would “generally be briefed, argued and disposed of within six months of filing,” according to the work group’s report. To meet the six-month goal, the Court of Appeals would impose tighter deadlines for attorneys to file briefs, and for the court to issue decisions, than for other types of appeals. Briefs in summary disposition appeals would also be subject to shorter page limits. The proposal would permit parties to file reply briefs only with the Court of Appeals’ permission.

Also on the public hearing agenda is Michigan Court Rule (MCR) 6.429, “Correction and Appeal of Sentence”; the Court will consider whether to retain the rule in its current form (**file no. 2004-15**). The rule was revised by the Supreme Court as of June 29. The rule states that a party may not appeal a “sentence that is within the appropriate guidelines sentence range” unless the party also challenged the sentence “at sentencing, in a proper motion for resentencing, or in a proper motion to remand filed in the court of appeals.” A staff comment to the rule indicates that the Court revised MCR 6.429 to conform the rule to a Michigan statute.

Another item on the agenda is a proposed amendment to MCR 2.603 (**file no. 2004-09**); the court rule governs the entry of default judgments in civil cases. Defaults are entered when a party who is being sued in a civil case “fail[s] to plead or otherwise defend” against the lawsuit. Once the court enters a default against the defendant, the plaintiff who brought the suit may request and obtain a judgment against the defendant. A staff comment to the proposed amendment states that suggested changes to the rule “would clarify some ambiguities” in the current rule.

Proposed court rule amendments, administrative orders, and related comments may be viewed at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm>.

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